



CITY OF YELLOWKNIFE

GOVERNANCE AND PRIORITIES COMMITTEE REPORT

Monday, April 15, 2024 at 12:05 p.m.

Report of a meeting held on Monday, April 15, 2024 at 12:05 p.m. in the City Hall Council Chamber. The following Committee members were in attendance:

Chair: Mayor R. Alty,
Councillor S. Arden-Smith,
Councillor G. Cochrane,
Councillor R. Fequet,
Councillor B. Hendriksen,
Councillor C. McGurk, (via teleconference)
Councillor T. McLennan,
Councillor S. Payne, and
Councillor R. Warburton.

The following members of Administration staff were in attendance:

J. Collin,
P. Mackenzie,
C. Greencorn,
C. MacLean,
K. Pandoo,
K. Thistle,
T. Setta,
G. White, and
S. Jovic.

| <u>Item</u> | <u>Description</u> |
|-------------|--|
| 1. | (For Information Only) Mayor Alty read the Opening Statement. |
| 2. | (For Information Only) There were no disclosures of conflict of interest. |
| 3. | Committee read a memorandum regarding whether to approve the Development Permit application PL-2023-0070 to allow a 24-unit Multi-Unit Dwelling on Lot 33 & 34, Block 307, Plan 4809 (110 Hagel Drive). |



Committee noted that in April 2023, the developer purchased two adjoining lots on Hagel Drive through the City. Subsequently, the developer submitted a Development Permit application (PL-2023-0070) proposing a 24-unit Multi-Unit Dwelling on the subject lots.



Figure 1: Area Map



Figure 2: Subject Lots Location Map

Although the proposed development meets all the requirements set out in the current Zoning By-law No. 5045 as well as policies in the Community Plan By-law No. 5007, the developer is also required to meet a particular density requirement established in the Niven Lake Development Scheme (NLDS). This applies not only to the proposed development, but also to all new developments in the area, until the NLDS is repealed through public process.

Since 2007 the City of Yellowknife has been implementing the NLDS, which includes density tied to the Zoning By-law No. 4404, as amended. Following the update of the Community Plan By-Law and Zoning By-law in recent years, the City has continued to use the NLDS based on the following transition terms of the *Community Planning and Development Act*, section 80(2).

Under previous legislation an Area Development Plan was called a Development Scheme, which is addressed in the new Act, section 80(2)(c), where it states:

“a development scheme adopted in accordance with the former Act remains in force and is deemed to be an area development plan adopted in accordance with this Act, to the extent that it is not expressly inconsistent with this Act, until it is repealed or another is made in its stead.”

Therefore, the NLDS shall continue, and this subsection of the Act has been appropriately applied. The subject lots was zoned R-3 Residential – Medium Density under the Zoning By-law No. 4404, as amended. In R-3 zone, the allowable density was set to one unit per 125m²



of land, which equates a total of 16 units on the subject lots. In addition, Council motion (#0103-16) that allowed slight density increase, up to twenty (20) units, was adopted at the Council meeting held on May 2, 2016, when the City promoted the sale of the unsold lots in Niven Phase V.

After initial review of the application for a 24-unit building, the City required the developer to retain a qualified professional planner to justify the proposed higher density outlining conformity with the Community Plan policies and regulations in the Zoning By-law No. 5045, as amended. The Planning Justification Report by Dillon Consulting Limited is Attachment No. 2.

The Development Officer applies section 3.2 of the Zoning By-law No. 5045 and refers the application for Development Permit to Council for decision, where an application relates to transitional development schemes and/or density (outside the provisions of s.4.8.2 of the Zoning By-law No. 5045). This is to ensure steps taken are consistent and the effect of the changes is appropriately considered reflecting the current planning vision, goals and objectives, and policies.

Committee noted that Council's policies, resolutions or goals include:

Strategic Direction #1: People First

| | |
|----------------------|--|
| Focus Area 1.2 | <u>Housing for All</u> Doing our part to create the context for diverse housing and accommodation options. |
| Key Initiative 1.2.1 | Setting the context and foundation for a fulsome continuum of housing options, from social to market to workforce accommodation. |

Strategic Direction #3: Sustainable Future

| | |
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| Focus Area 3.2 | <u>Growth Readiness</u> Ensuring land development supports economic readiness and community priorities. |
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May 9, 2016 Council meeting:

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| Motion #0103-16 | That Council increase the densities of Lot 94, Block 308 and Lot 11, Block 307 from 14 to 20 units, and Lot 12, Block 307 from 48 to 49 units. |
|-----------------|--|



Committee noted that applicable legislation, by-laws, studies or plans include:

1. *Cities, Towns and Villages Act S.N.W.T. 2003*;
2. *Community Planning and Development Act S.N.W.T. 2011, c.22*;
3. Community Plan By-law No. 5007;
4. Zoning By-law No. 5045, as amended;
5. Zoning By-law No. 4404, as amended;
6. Niven Lake Development Scheme By-law No. 4586;
7. Memorandum to Municipal Services Committee (May 2, 2016);
8. Niven Lake Phase V Traffic Impact Study, prepared by Creative Transportation Solutions (September, 2012);
9. Niven Phase V General Subdivision Grading Plan, prepared by Stantec (April, 2022);
10. Planning Justification Report and Addendum, January 2024; and
11. Purchase Agreement (Lot 33 & 34, Block 307, Plan 4809).

Legislative

The *Community Planning and Development Act* (“the Act”) specifies that a zoning by-law must identify either Council or a development officer or both as the development authority responsible for making decisions on applications for each type of development permit and other powers and duties of a development authority under the Act.

Section 3.2.1 d) of the Zoning By-law No. 5045 states that Council shall make a decision and recommend any terms and conditions on any other planning, or Development matter referred to it by the Development Officer.

Section 25 of the Act states that the development authority shall approve an application for a development permit for a use specified in a zoning bylaw, if the development authority is satisfied that the application meet all the requirements of the bylaw.

Community Plan By-law No. 5007

With respect to land use, the subject lots are designated ‘Niven Residential’ in the Community Plan. It is a primarily a residential area that is located adjacent to the downtown core and provides easy access to services by alternative transportation modes. It will continue to be a mix of low, medium and high density residential uses with some mixed use activities such as places of worship.

| Planning and Development Objective | Policy |
|---|---|
| 4. To support a mix of residential types and densities. | 4-a. A variety of residential single unit and multiple unit dwelling types will be permitted. |

The proposed development is a compatible land use/development type in Niven Residential area, particularly in neighbouring properties zoned R-2 where multi-unit dwelling is a common form of development.



Municipal services are already provided in the area, thus no new service extension is required for accommodating the proposed development. This helps achieve the Planning Objective in section 5.3 of the Community Plan.

Zoning By-law, No. 5045, as amended

The subject lots are zoned R 2 – Medium Density Residential in Zoning By-law No. 5045. Multi-Unit Dwelling is a permitted use in the zone. The intent of the zone is to provide an area for medium to higher density residential development that encourages a mix of dwelling types and compatible uses. While the previous Zoning By-law No. 4404, as amended, limited the maximum density in the same zone, there is no density limit set out in the current Zoning By-law. This is to align with the planning objective and policy of the Community Plan. The proposed 24-unit multi-dwelling is consistent with the intent of the zone as well as meets all the applicable requirements established in the By-law.

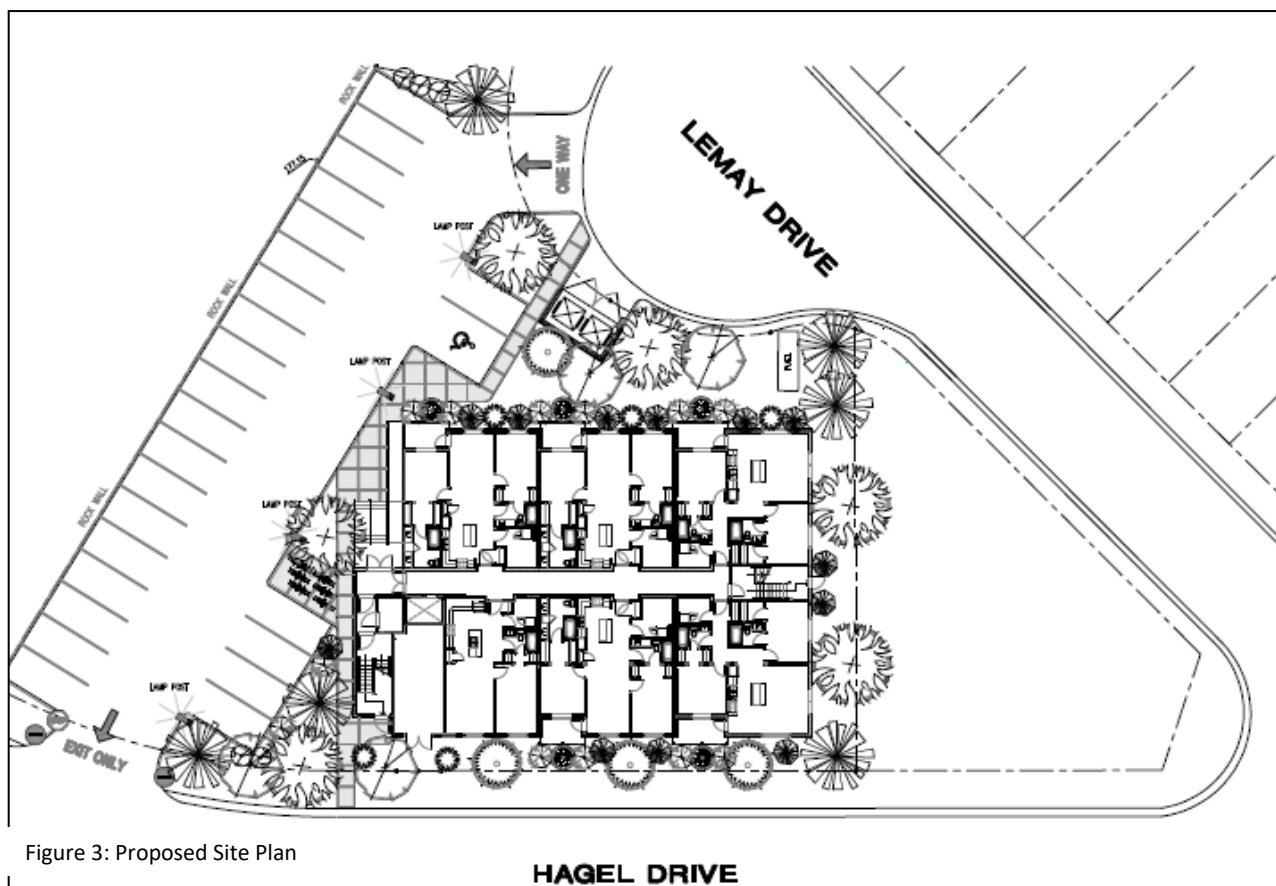


Figure 3: Proposed Site Plan

One of the objectives of development permit process is to ensure to mitigate negative consequences associate with new developments. With respect to vehicular access and on-site traffic, impact due to the density increase is anticipated minimal. However, in consideration of the concerns raised by neighbouring residents, mitigation of potential



traffic issues is critical. The City requires the developer to incorporate several traffic calming measures.

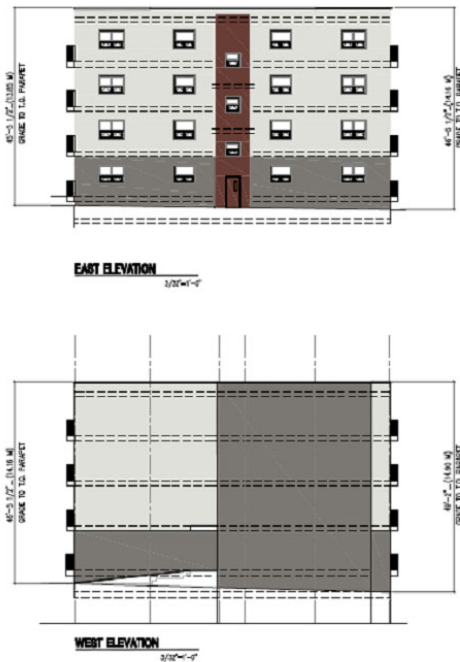


Figure 3: Proposed Site Plan



Figure 4: Elevation Plan

For example, the development proposes one-way vehicular access on-site. Entrance to the development will only be through Lemay Drive whereas exit will only be toward Hagel Drive. Both of Lemay Drive and Hagel Drive will remain two-directional roadways. Other mitigation measures such as new traffic signs are to be guaranteed through a development agreement. Additional mitigation measures are requested by the City's Public Works and Engineering Department. Details are mentioned in the Departmental Consultation section below.

Departmental Consultation

Public Works and Engineering:

The Department anticipates the intersection of Niven Drive/Hagel Drive/Ballantyne Court will require signage to turn it into a 4-way stop intersection. This is due to both this development and the multi-family development currently underway on Hagel (70 unit). The recommendation is appropriate as the same concern was raised by some residents during the notice of application. Other requirements relate to landscape and drainage will be addressed in Development Agreement.

Public Safety:

The Fire Division provided comments. At development permit stage, the Division requires access and parking be appropriately marked and signed and maintained for fire safety. Details relate to National Fire Codes will be assessed and approved at the building permit stage.



Public Consultation

A notice of application was posted on the site on February 19, 2024. Neighbouring property owners and tenants within 30 metres of the subject lots have been informed of the proposed development by mail in accordance with the *Community Planning and Development Act*. As the result, Nine (9) comments were provided. The comments and responses are included in the Planning Report Attachment No. 1.

Development Agreement

It is a common practice to impose conditions of approval to development permit when deems necessary, subject to the rules set out in section 4.7 of the Zoning By-law No. 5045. In the case of Development Permit PL-2023-0070, a development agreement includes payment of security bond for the site improvements such as landscaping or new traffic signs. The developer agrees to enter into an agreement with the City in principle. The Agreement will be executed prior to occupancy permit issuance.

Conditions of Approval

Staff recommend to include the following conditions in the Development Permit.

1. The Development must comply with the Approved Plans and the conditions of the original Development Permit and all other applicable regulations and By-laws in effect with the City of Yellowknife; and
2. The developer must enter into a Development Agreement with the City of Yellowknife to guarantee including, but not limited to, landscaping, the site improvements related to traffic, fire safety matters, and servicing. The Agreement shall be signed by both parties before the Occupancy Permit will be granted.

Committee noted that the proposed development conforms to the policies established in the Community Plan By-law No. 5007 as well as all the land use regulations set out in the Zoning By-law No. 5045, as amended.

The proposed development is an apartment building consists of one and two bedroom units, which are consistently in high demand in the Yellowknife housing market. Provision of adequate housing choice is an evolving issue in the community and aligns with the one of the Council's strategic directions.

Council is the development authority of the Development Permit application. According to section 25 of the *Community Planning and Development Act*, the development authority shall, subject to any applicable conditions, approve an application for a development permit for a use specified in a zoning bylaw as a permitted use of land or of a building, if the development authority is satisfied that the application meet all the requirements of the bylaw.



Committee recommends that a Development Permit application PL-2023-0070 for a 24-unit Multi-Unit Dwelling proposed on properties legally described as Lot 33 & 34, Block 307, Plan 4809 (110 Hagel Drive) be approved, with conditions.

MOVE APPROVAL

(For Information Only)

4. Committee discussed the Noise By-law and whether to reduce or eliminate the use of 'Mosquito Devices' or other similar noise devices through the Noise By-law No. 3537. Committee noted that in late 2023, the owners of the Centre Square Mall Parkade installed a 'Mosquito Device' to reduce loitering as well as real and perceived safety concerns resulting from loitering in the entrance-way to the Centre Square Mall Parkade underground parking garage on 51st Avenue across from the downtown liquor store. Due to staff's current workload, Committee was not in favour of an amendment to the Noise By-law to reduce or eliminate the use of 'Mosquito Devices' or other similar noise devices.

(For Information Only)

5. Committee discussed a mill rate for vacant land. Committee noted that there is no Mill Rate Policy nor a different property class to tax vacant land. Administration undertook to bring a Mill Rate Policy for discussion in the near future. Committee members agreed not to pursue this discussion at this time, and may consider it during the Mill Rate Policy discussion.

(For Information Only)

6. Councillor Arden-Smith left the meeting at 1:00 p.m.

(For Information Only)

7. Committee discussed the mill rate for high density parking. Committee noted that the high-density parking property class only applies to one property in the City, Centre Square Mall, and that the property class was established in 1989. Committee members agreed not to pursue this discussion at this time, and may consider it during the Mill Rate Policy discussion.

(For Information Only)

8. Councillor Cochrane moved,
Councillor Payne seconded,

That Committee move in camera at 1:09 p.m. to discuss a memorandum regarding whether to appoint members to serve on the Community Advisory Board on Homelessness.

MOTION CARRIED UNANIMOUSLY

(For Information Only)

9. Committee discussed a memorandum regarding whether to appoint members to serve on the Community Advisory Board on Homelessness.



- (For Information Only)
10. Councillor Fequet moved,
Councillor Hendriksen seconded,

That Committee return to an open meeting at 1:11 p.m.

MOTION CARRIED UNANIMOUSLY

Business Arising from in Camera Session

11. **Committee read a memorandum regarding whether to appoint members to serve on the Community Advisory Board on Homelessness.**

Committee noted that there are vacancies on the Community Advisory Board (CAB) on Homelessness for one (1) representative from an organization serving Persons with Disabilities and one (1) representative from an organization serving Youth.

It is the practice of the City of Yellowknife to advertise all vacancies for boards and committees. The City has advertised vacancies on the Community Advisory Board (CAB) on Homelessness in the Capital Update, the City's website and social media sites.

Committee noted that Council's policies, resolutions or goals include:

Council Goal #1 People First

Motion #0459-96, as amended by #0460-96, #0462-96 and #0273-09:

"The following policy be adopted with respect to appointments to municipal boards and committees:

- i) The maximum consecutive years that an individual may serve on any one board or committee is six.
- ii) Individuals who have served the maximum six-year period on one municipal board or committee shall be eligible to be appointed to another board or committee.
- iii) No individual shall be precluded from serving concurrent terms on more than one municipal board or committee.
- iv) Notwithstanding that an individual appointee has served less than six years on a particular board or committee, Council may, after the expiration of the first or subsequent terms of that appointee, advertise for applicants to fill a vacancy on that board or committee.
- v) Notwithstanding clause (i.) of this policy, should the City receive no applications to fill a vacancy on any particular board or committee, the six year maximum limitation may, at the discretion of City Council, be waived.
- vi) Should the City receive no applications to fill a vacancy on any particular board or committee, City Council may appoint a member of the public at their discretion.



Committee noted that applicable legislation, by-laws, studies or plans include:
Council Procedures By-law No. 4975, as amended.

Legislation

Section 122 of Council Procedures By-law No. 4975 states:

Special Committees of Council

120. Where Council deems it necessary to establish a special committee to investigate and consider any matter, Council shall:
- (1) name the committee;
 - (2) establish terms of reference;
 - (3) appoint members to it;
 - (4) establish the term of appointment of members;
 - (5) establish requirements for reporting to Council or a standing committee;
and
 - (6) allocate any necessary budget or other resources to it.

Procedural Considerations

All appointments to Special Committees must be approved by Council.

The composition of the Committee was structured so that various segments of the community are represented.

Committee noted that the Committee members will assist the City in an advisory capacity regarding homelessness issues within the municipal boundaries of the City of Yellowknife. Appointing a full complement of Members will ensure that the work of the committee is completed in a timely fashion.

Committee recommends that Council appoint the following members to serve on the Community Advisory Board on Homelessness (CAB) commencing April 23, 2024 and ending April 22, 2026:

| Name | Representing |
|--------------------|---|
| Johnelle Joseph | One (1) representative from an organization serving Persons with Disabilities |
| Hawa Dumbuya Sesay | One (1) representative from an organization serving Youth |

MOVE APPROVAL

12. The meeting adjourned at 1:11 p.m.